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5 **IN THE UNITED STATES DISTRICT COURT**
6 **FOR THE DISTRICT OF ARIZONA**
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8 Roy and Josie Fisher, et al.,
9 Plaintiffs

10 and

11 United States of America,
12 Plaintiff-Intervenor,

13 v.

14 Tucson Unified School District, et al.,
15 Defendants,

16 and

17 Sidney L. Sutton, et al.,
18 Defendants-Intervenors,

No. CV-74-00090-TUC-DCB

19 Maria Mendoza, et al.,
20 Plaintiffs,

21 and

22 United States of America,
23 Plaintiff-Intervenor,

24 v.

25 Tucson Unified School District, et al.
26 Defendants.
27

No. CV-74-0204-TUC-DCB

ORDER

28 Special Master's 2015-2016 Annual Report: Objections

1 On June 16, 2017, the Special Master filed the 2015-16 Annual Report (SMAR).
2 There has been a wave of objections. On August 11, 2017, the Special Master responded
3 and recommended that the Objections be taken up in the context of the 2016-17 annual
4 reports which are currently underway. The District's 2016-17 Annual Report (AR) is due
5 on October 1, 2017, and the SMAR is due December 1, 2017. The Court adopts this
6 recommendation.

7 The annual reports for SY 2016-17 will for the first time include, for each
8 component of the Unitary Status Plan (USP), an analysis of the extent to which the
9 District has met the provisions of the USP. Because the USP, functioning as a Consent
10 Decree, is the litmus test for attaining unitary status, the District's SY 2016-17 AR,
11 followed by the SMAR, will be the starting point for a comprehensive review of the USP
12 to determine which components, if any, have been fully and successfully implemented.
13 The Court intends for this review to result in roadmaps, including time-lines, for attaining
14 unitary status for any USP component which has not been fully and successfully
15 implemented.

16 The District should take care to review the concerns of the Plaintiffs and the
17 Special Master expressed this past year and other years, especially specific alleged
18 deficiencies which have been identified and especially where alternative remedies have
19 been suggested by the parties or Special Master or the subject of Court Orders. Plaintiffs
20 should take care in future critiques to support generalized objections about the level of
21 commitment held by either the District or the Special Master with specific and concrete
22 examples, including clear alternatives that were ignored or rejected by either.

23 **Accordingly,**

24 **IT IS ORDERED** that the Special Master's 2015-16 SMAR (Doc. 2026) is
25 adopted by the Court.

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1 **IT IS FURTHER ORDERED** that approving the Special Master's
2 recommendation to address the 2015-16 SMAR Objections in the SY 2016-17 annual
3 reports.

4 Dated this 15th day of August, 2017.

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A handwritten signature in black ink, appearing to read "David C. Bury", is written over a horizontal line.

Honorable David C. Bury
United States District Judge